

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IRINA KONSTANTINOV, as Conservator
for the Estate of VLADIMIR
KONSTANTINOV, a mentally
incapacitated person, and
SERGEI MNATSAKANOV,

Plaintiffs,

Case No. 04-CV-74928

vs.

HON. GEORGE CARAM STEEH

FINDLAY FORD LINCOLN MERCURY,

Defendant.

/

ORDER REGARDING MOTIONS IN LIMINE DECIDED IN
CHAMBERS DURING MARCH 17, 2008 FINAL PRETRIAL CONFERENCE

During the March 17, 2008 Final Pretrial Conference, the Court issued rulings in chambers on several motions in limine identified by plaintiffs in the Joint Final Pretrial Order.

It is hereby ORDERED that:

- Plaintiffs' Motion in Limine to preclude evidence or argument that plaintiffs did not ask the driver about the seat belts is DENIED.
- Plaintiffs' Motion in Limine to preclude evidence or argument regarding compliance with irrelevant governmental or industry standards is DENIED as premature.

- Plaintiffs' Motion in Limine to exclude hearsay statements of Slava Fetisov is GRANTED to the extent that defendant must obtain permission of the Court before referring to such statements.
- Plaintiffs' Motion in Limine to preclude evidence or argument regarding plaintiffs' counsel's prior representation of Slava Fetisov in other matters is GRANTED to the extent that defendant must obtain permission of the Court before referring to such statements.
- Plaintiffs' Motion in Limine to exclude reference to or argument that plaintiffs delayed in filing the subject action is GRANTED by agreement.
- Plaintiffs' Motion in Limine to preclude evidence or argument regarding dismissal by plaintiffs' wives of their individual claims in this matter is GRANTED by agreement, so long as plaintiffs do not open the door to this issue.
- Plaintiffs' Motion in Limine to preclude evidence or argument regarding settlements with nonparties is GRANTED by agreement.
- Plaintiffs' Motion in Limine to preclude evidence or argument of collateral source payments is GRANTED by agreement.
- Plaintiffs' Motion in Limine to preclude evidence or argument of any and all settlement offers, demands, negotiations or payments is GRANTED by agreement.
- Plaintiffs' Motion in Limine to preclude evidence or argument regarding alleged history of drug and/or alcohol use and/or habits of Richard Gnida and/or John Gambino is GRANTED by agreement

- Plaintiffs' Motion in Limine to preclude evidence or argument that limousine occupants commonly choose to not wear seat belts absent adequate foundation is DENIED to the extent that it seeks to bar argument relating to the common experience of jurors/persons in everyday life; evidence of the same shall not be admitted unless an adequate foundation is first established.
- Plaintiffs' Motion in Limine to preclude evidence or argument regarding supposed presence of marijuana roach, cannabis or cannabis by-products supposedly found in the subject limousine after the accident is GRANTED by agreement.

It is so ordered.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: May 5, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on May 5, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk